



**2025/0396(COD)**

28.5.2026

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronic equipment and single use plastic waste (COM(2025)0983 – C10-0339/2025 – 2025/0396(COD))

Committee on the Environment, Climate and Food Safety

Rapporteur: Ingeborg Ter Laak

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronic equipment and single use plastic waste (COM(2025)0983 – C10-0339/2025 – 2025/0396(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2025)0983),
  - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0339/2025),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 18 March 2026,
  - having regard to the opinion of the Committee of the Regions of 7 May 2026,
  - having regard to Rule 60 of its Rules of Procedure,
  - having regard to the opinion of the Committee on the Internal Market and Consumer Protection [...]
  - having regard to the report of the Committee on the Environment, Climate and Food Safety (A10-0000/2026),
1. Adopts its position at first reading hereinafter set out;
  2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

**Proposal for a directive  
Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) *The simplification measures***

*introduced by this Directive should remain temporary, pending the application of the forthcoming Circular Economy Act as announced in the Commission Work programme 2026. The Circular Economy Act is expected to establish a comprehensive and more coherent horizontal framework review of the extended producer responsibilities, including on the obligation of appointing an authorised representative in Member States where a company is not established. This Directive should therefore cease to apply once that broader horizontal review on authorised representatives becomes applicable in order to provide legal consistency.*

Or. en

## Amendment 2

### Proposal for a directive Recital 4

*Text proposed by the Commission*

*(4) In particular, due to that lack of harmonisation, in particular regarding the current provisions in sectoral legislation for the appointment of an authorised representative for extended producer responsibility, the fulfilment of the obligations related to the appointment may result in an unnecessary administrative burden on producers operating in multiple Member States where they are not established. Particularly for small and medium-sized enterprises, the obligation to appoint authorised representatives separately for every Member State where the producer places products on the market poses a significant challenge in terms of costs. With a view to ensuring equal conditions for producers established in the Union, it is important that the rules for appointing an authorised representative for extended producer responsibility in Directives*

*Amendment*

*(4) The administrative burden associated with the appointment of authorised representatives for extended producer responsibility obligations can be disproportionately burdensome for micro and small enterprises engaging cross-border activities within the Union, due to their limited administrative and financial capacity. While micro and small enterprises represent the majority of companies active on the Union market, they account for a comparatively limited share of the overall volume of products put on the market. A targeted and temporary suspension of the obligation to appoint an authorised representative should therefore contribute to reducing unnecessary administrative burdens where they are most significant, while preserving the authorised representatives for larger companies such as medium and large*

**2008/98/EC<sup>6</sup>, 2012/19/EU<sup>7</sup> and (EU) 2019/904<sup>8</sup> of the European Parliament and of the Council have the same content. The currently fragmented legal framework for different products and the significant administrative burden associated with fulfilling the requirement to appoint an authorised representative for extended producer responsibility in up to 26 Member States is hampering the competitiveness of producers established in the Union. It is thus crucial to harmonise the existing rules effectively and promptly, reducing the associated burdens on producers. To this effect, the Commission is currently reviewing the effectiveness, the administrative burden entailed and the unintended barriers for the internal market, of the obligation to appoint authorised representatives as a safeguard for the producers' compliance with the 'polluter pays' principle. This review is likely to lead to alternative solutions which are more effective and less burdensome.**

*enterprises.*

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<sup>6</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3) ELI: <http://data.europa.eu/eli/dir/2008/98/oj>

<sup>7</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE); OJ L 197, 24.7.2012, p. 38, ELI: <http://data.europa.eu/eli/dir/2012/19/oj>.

<sup>8</sup> Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, OJ L 155, 12.6.2019, p. 1 ELI: <http://data.europa.eu/eli/dir/2019/904/oj>.

Or. en

### Amendment 3

#### Proposal for a directive Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

**(4a) The suspension introduced by this Directive should be limited to the administrative requirement concerning the appointment of an authorised representative and should not affect the environmental objectives established under Union law.**

Or. en

### Amendment 4

#### Proposal for a directive Recital 5

*Text proposed by the Commission*

*Amendment*

(5) With a view to simplifying requirements on producers, and reducing the administrative burden, producers of textile, textile-related or footwear, electrical and electronic equipment and single use plastic products ('producers') should be able to choose whether they appoint an authorised representative for extended producer responsibility when making available products on the market of another Member State where they are not established. Therefore, Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory for producers established in the Union, but the option for producers to appoint an authorised representative for extended producer responsibility at their discretion should be maintained. This allows producers who have already appointed an authorised representative for extended producer responsibility to retain their existing arrangements, while immediately alleviating the costs and administrative

(5) With a view to simplifying requirements on **micro and small** producers, and reducing the administrative burden, **micro and small** producers of textile, textile-related or footwear, electrical and electronic equipment and single use plastic products ('producers') should be able to choose whether they appoint an authorised representative for extended producer responsibility when making available products on the market of another Member State where they are not established. Therefore, Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory for **micro and small** producers established in the Union, but the option for **micro and small** producers to appoint an authorised representative for extended producer responsibility at their discretion should be maintained. This allows producers who have already appointed an authorised representative for extended producer responsibility to retain their existing

burden for producers who wish to not appoint an authorised representative for extended producer responsibility.

arrangements, while immediately alleviating the costs and administrative burden for *micro and small* producers who wish to not appoint an authorised representative for extended producer responsibility.

Or. en

## Amendment 5

### Proposal for a directive

#### Recital 6

##### *Text proposed by the Commission*

(6) Ensuring traceability and enforcement with regards to producers established in third countries is more challenging compared to those operating within the Union, as such producers fall outside the territorial scope of Member States' enforcement powers and are not covered by the Union administrative and judicial cooperation mechanisms that facilitate the enforcement of obligations and judgments within the internal market. Making the appointment of an authorised representative for extended producer responsibility voluntary for producers established in third countries could thus increase the risk of freeriding, where producers do not fulfil their legal obligations such as registration, reporting, providing a guarantee or participating in a collective scheme, and could create loopholes for non-compliant producers established in third countries. Thus, the provision in Directive 2008/98/EC that allows Member States to provide that a producer established in a third country and making textile, textile-related or footwear products available for the first time on their territory by means of distance contracts directly to end-users is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer

##### *Amendment*

(6) Ensuring traceability and enforcement with regards to producers established in third countries is more challenging compared to those operating within the Union, as such producers fall outside the territorial scope of Member States' enforcement powers and are not covered by the Union administrative and judicial cooperation mechanisms that facilitate the enforcement of obligations and judgments within the internal market. Making the appointment of an authorised representative for extended producer responsibility voluntary for producers established in third countries could thus increase the risk of freeriding, where producers do not fulfil their legal obligations such as registration, reporting, providing a guarantee or participating in a collective scheme, and could create loopholes for non-compliant producers established in third countries. Thus, the provision in Directive 2008/98/EC that allows Member States to provide that a producer established in a third country and making textile, textile-related or footwear products available for the first time on their territory by means of distance contracts directly to end-users is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer

related to the extended producer responsibility scheme on their territory should remain applicable. **However, Member States should be allowed to ensure traceability and enforcement with regard to producers established in third countries through alternative means.**

related to the extended producer responsibility scheme on their territory should remain applicable.

Or. en

#### *Justification*

*This amendment maintains the existing regulatory framework applicable to producers established in third countries under Directive 2008/98/EC, Directive 2012/19/EU and Directive (EU) 2019/904. No additional flexibilities should be granted to Member States with regard to authorised representative requirements, and the application of the relevant provisions should remain as provided for under the respective Union legislation. This amendment preserves the mandatory appointment of an authorised representative for producers established in third countries in order to ensure effective traceability and enforcement across the Union.*

### **Amendment 6**

#### **Proposal for a directive**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU) 2019/904 which make the appointment of an authorised representative for extended producer responsibility mandatory should be suspended until 1 January 2035.

###### *Amendment*

(7) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU) 2019/904 which make the appointment of an authorised representative for extended producer responsibility mandatory should be suspended until 1 January 2035 **or the application of the [Circular Economy Act XXX], whichever is earlier.**

Or. en

### **Amendment 7**

#### **Proposal for a directive**

##### **Recital 9**

###### *Text proposed by the Commission*

(9) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU)

###### *Amendment*

(9) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU)

2019/904 that currently set out that Member States are to allow producers established in the Union to appoint an authorised representative for extended producer responsibility leave a margin of discretion to Member States. Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory in their national legislation.

2019/904 that currently set out that Member States are to allow producers established in the Union to appoint an authorised representative for extended producer responsibility leave a margin of discretion to Member States. Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory in their national legislation *for micro and small enterprises*.

Or. en

## Amendment 8

### Proposal for a directive Recital 10

#### *Text proposed by the Commission*

(10) Suspending the application of the requirement for producers established in a Member State to appoint authorised representatives for extended producer responsibility when selling products in other Member States serves as a preliminary measure to immediately alleviate burdens and costs for producers who wish to not appoint an authorised representative for extended producer responsibility. This approach paves the way for the implementation of a comprehensive reform of the extended producer responsibility system.

#### *Amendment*

(10) Suspending the application of the requirement for *micro and small* producers established in a Member State to appoint authorised representatives for extended producer responsibility when selling products in other Member States serves as a preliminary measure to immediately alleviate burdens and costs for producers who wish to not appoint an authorised representative for extended producer responsibility. This approach paves the way for the implementation of a comprehensive reform of the extended producer responsibility system.

Or. en

## Amendment 9

### Proposal for a directive Article 1 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

The application of the following provisions is suspended until 1 January 2035:

#### *Amendment*

The application of the following provisions is suspended until 1 January 2035 *or until the application of the of the [Circular Economy Act XXX], whichever is earlier,*

*to the extent to which it applies to  
producers established in the Union:*

Or. en

*Justification*

*This amendment ensures that the suspension remains temporary pending the future Circular Economy Act in order to provide legal consistency and preserves the current legal framework for the appointment of an authorised representative for producers established in third countries in order to ensure effective traceability and enforcement across the Union.*

**Amendment 10**

**Proposal for a directive**

**Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) Member States may either provide *deleted*  
that a producer as defined in Article  
3(4b), point (d), of that Directive  
established in a third country and making  
textile, textile-related or footwear products  
listed in Annex IVc of that Directive  
available for the first time on their  
territory is to appoint, by written mandate,  
a legal or natural person established on  
their territory as its authorised  
representative for the purpose of fulfilling  
the obligations of a producer related to  
the extended producer responsibility  
scheme on their territory or ensure  
traceability and enforcement with regard  
to producers established in third countries  
through alternative means;**

Or. en

*Justification*

*This amendment preserves the current legal framework for the appointment of an authorised representative for producers established in third countries in order to ensure effective traceability and enforcement across the Union.*

## Amendment 11

### Proposal for a directive Article 1 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***This Directive shall apply only to producers qualifying as ‘microenterprises’ or ‘small enterprises’ within the meaning of Annex I to Commission Recommendation 2003/361/EC, in Article 2(2) and (3) respectively.***

Or. en

*Justification*

*This amendment targets the temporary simplification measures at enterprises with the most limited administrative and financial capacity, while preserving the authorised representative requirement for larger enterprises.*

## Amendment 12

### Proposal for a directive Article 3 – title

*Text proposed by the Commission*

*Amendment*

Entry into force

Entry into force ***and application***

Or. en

## Amendment 13

### Proposal for a directive Article 3 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***This Directive shall cease to apply on the date of application of the [Circular Economy Act XXX].***

Or. en

*Justification*

*This amendment ensures that the suspension remains temporary pending the future Circular Economy Act in order to provide legal consistency.*

## EXPLANATORY STATEMENT

The Commission proposal aims to temporarily suspend the authorised representative requirements under Directive 2008/98/EC, Directive 2012/19/EU and Directive (EU) 2019/904 in order to reduce administrative burdens linked to extended producer responsibility obligations. The Rapporteur welcomes the objective of reducing unnecessary administrative burdens for companies engaging in cross-border activities within the Union and strongly welcomes the Commission's intention to present a future Circular Economy Act establishing a more coherent and horizontal framework for extended producer responsibility obligations across Union legislation. The rapporteur would like to emphasize the urgent need for such a full-fledged horizontal review, which she expects to address the larger underlying fragmentation resulting in unnecessary administrative burden and costs for businesses. While awaiting these Commission proposal(s) and their legislative adoption, the rapporteur considers that the current proposal should be further refined to ensure that the simplification measures remain targeted and temporary in nature. To this end, the rapporteur proposes several targeted amendments in the draft report.

Firstly, the amendments limit the proposed simplification to micro and small enterprises engaging in cross-border activities within the Union. Such enterprises often face more limited administrative and financial capacity to cope with the current fragmented landscape, whereas medium-sized and large enterprises are generally better equipped to comply with authorised representative requirements. The amendments therefore seek to ensure that the temporary suspension addresses those enterprises for which the administrative burden is most significant, while preserving the authorised representative requirement for larger economic operators.

Secondly, the amendments clarify that the suspension should remain strictly temporary pending the future horizontal review of extended producer responsibility obligations under the forthcoming Circular Economy Act, as announced in the Commission Work Programme 2026. In line with concerns regarding the growing fragmentation of Union legislation in the field of extended producer responsibility, the amendments aim to avoid overlapping regulatory regimes and strengthen legal consistency and coherence across Union legislation. The amendments therefore provide that the suspension shall cease to apply upon application of the future Circular Economy Act.

Thirdly, the amendments maintain the current regulatory framework for producers established in third countries. As recognised by the Commission proposal itself, ensuring traceability and enforcement regarding producers established outside the Union remains significantly more challenging, given that such producers fall outside the territorial scope of Member States' enforcement powers and Union administrative cooperation mechanisms. In these cases the authorised representative remains an essential enforcement and traceability tool for national authorities. For that reason, the amendments maintain the current regulatory framework with regards to the appointment of authorised representatives for third-country producers and remove the possibility for alternative enforcement mechanisms by Member States, thereby ensuring a clear and uniform enforcement framework across the Union as intended by the respective directives.

Finally, the amendments clarify that the proposed simplification measures remain strictly limited to the administrative obligation concerning the appointment of authorised representatives and should not affect the effectiveness or enforcement of extended producer responsibility obligations more broadly. In particular, it should be ensured that the objectives of Union environmental legislation remain fully preserved.

## ANNEX: DECLARATION OF INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she included in her report input on matters pertaining to the subject of the file that she received, in the preparation of the draft report, from the following interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register<sup>1</sup>, or from the following representatives of public authorities of third countries, including their diplomatic missions and embassies:

<b>1. Interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register</b>
Alstom
Extended Producer Responsibility Alliance
Orgalim – Europe's Technology Industries
YARA BELGIUM S.A.
The European Organisation for Packaging and the Environment
Computer and Communications Industry Association
Amazon Europe CORE sarl
EUCOBAT
The LEGO Group
CONAI - Italian National Packaging Consortium
APPLiA (Home Appliance Europe)
The Danish Chamber of Commerce
Steel for Packaging Europe
SMEunited aisbl
BDE Bundesverband der Deutschen Entsorgungs-, Wasser- und Kreislaufwirtschaft e. V.
<b>2. Representatives of public authorities of third countries, including their diplomatic missions and embassies</b>
XXX

The list above is drawn up under the exclusive responsibility of the rapporteur.

Where natural persons are identified in the list by their name, by their function or by both, the rapporteur declares that she has submitted to the natural persons concerned the European Parliament's Data Protection Notice No 484 (<https://www.europarl.europa.eu/data-protect/index.do>), which sets out the conditions applicable to the processing of their personal data and the rights linked to that processing.

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<sup>1</sup> Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ L 207, 11.6.2021, p. 1, ELI: [http://data.europa.eu/eli/agree\\_interinstit/2021/611/oj](http://data.europa.eu/eli/agree_interinstit/2021/611/oj)).